IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL Nos. 2080 AND 2081 OF 2004

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WRIT APPEAL No.2080 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/11/2004 in WP NO : 21758 OF 2004 on the file of the High Court.)

Between:

Polagani Veeraiah, s/o Raghavulu,
r/o D.No.26-2-52, Opp:Rajagopalachari Street,
Gandhinagaram, Vijayawada.

..... APPELLANT

AND

1.Sri Durga Malleswara Devasthanam Private Trust Durgapuram, Vijayawada, rep., by its Receiver/Advocate
D.Chandrasekhar, s/o Rama rao, r/o Dasarivari Street, Suryaraopet, Vijayawada-520 002.
2. The Southern Power Distribution Company of A.P.Ltd., rep., by its Superintending Engineer Operation Circle,
Opp:Rythu bazar, Vijayawada-2.
3. The Additional Assistant Engineer Operation, A.S.P.D.C.S.,Gandhinagar, Vijayawada-2.

.....RESPONDENTS

Counsel for the Appellant: Mr.P.R.PRASAD

Counsel for the Respondent No.1: Mr.M.S.Ramchander Rao

For Mr. Gangadhar Chamarthi

Counsel for Respondents 2 & 3: Smt. M.Vinobha Devi.

WRIT APPEAL No. 2081 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/11/2004 in WP No. 21758 OF 2004 on the file of the High Court.)

Between:

Bhupathi Malleswara Rao, son of Hussain

Door No.26-2-52, Opposite Urvasi Theatre

Gandhinagar, Vijayawada-3.

..... APPELLANT

AND

1.Sri Durga Malleswara Devasthanam Private Trust Durgapuram, Vijayawada, rep., by its Receiver/Advocate
D.Chandrasekhar, s/o Rama rao, r/o Dasarivari Street, Suryaraopet, Vijayawada-520 002.
2. The Southern Power Distribution Company of A.P.Ltd., rep., by its Superintending Engineer Operation Circle,
Opp:Rythu bazar, Vijayawada-2.
3. The Additional Assistant Engineer Operation, A.S.P.D.C.S.,Gandhinagar, Vijayawada-2.

.....RESPONDENTS

Counsel for the Appellant: Mr. A.Satyanarayana

Counsel for the Respondent No.1: Mr.M.S.Ramchander Rao

Counsel for Respondents 2 & 3: Smt. M.Vinobha Devi.

The Court made the following :

ORAL COMMON JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The respondent-Trust filed the Writ Petition and obtained an order in the Writ Petition on 26.11.2004, in which, direction was issued to the Southern Power Distribution Company of Andhra Pradesh Limited to ensure that no meter, other than the one, which is meant for supply to the premises belonging to the Trust is fitted or continued in their premises. Naturally, such an order adversely affected the appellants, who are claiming to be in occupation of the property, as at their behest, the connection was shifted. With leave of the Court, the appellants filed these Writ Appeals.

We have heard learned counsel for parties.

The Trust had sought a direction to declare the action of the Southern Power Distribution Company in not removing the service connections from the premises bearing No. 26-2-52, Opposite Urvasi Theater, Gandhi Nagar, Vijayawada, despite complaint of the trust, as illegal and arbitrary. It is not disputed that the very prayer made in that Petition by the Trust, if allowed, would adversely affect the appellants. Therefore, it was, but, necessary to have impleaded the appellants as party-respondents in the Writ Petition. Only, on hearing such affected parties, the Writ Court could have decided the question arising in the Writ Petition filed by the Trust.

Learned counsel for the Respondent No.1 says that in the event leave is granted, matter can be decided in the Writ Appeal itself. We are not inclined to adopt that procedure, since, it is for the learned Single Judge to obtain reply of the appellants, and, then, proceed to decide the questions involved, which were not decided by the learned Single Judge while disposing of the Writ Petition of the Trust.

The Writ Appeals are allowed with direction for hearing and disposing of the Writ Petition on merits. Appellants will be deemed to have been impleaded as party-respondents in the Writ Petition, and, would file their counter-affidavit within a week before the learned Single Judge. The Writ Petition be posted before the learned Single Judge on 30.12.2004. No costs.

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DEVINDER GUPTA, C.J.

21.12.2004.

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M.NARAYANA REDDY, J.

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Note:

Communicate operative portion

by wire at party's cost.

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To

1. The Receiver/Advocate,Sri Durga Malleswara Devasthanam Private Trust Durgapuram, Vijayawada.
2. The Superintending Engineer, Operation Circle, Southern Power Distribution Company of A.P.Ltd., opp:Rythu bazar, Vijayawada-2.
3. The Additional Assistant Engineer Operation, A.S.P.D.C.S.,Gandhinagar, Vijayawada-2.

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